

Atty. Dkt. No. 10008303-1

## REMARKS

This reply is in response to the non-final office action mailed on February 9, 2006 in which claims 1-48 were rejected. With this response, claims 2, 15 and 19 are amended, and claims 49-52 are added. Claims 1-52 are presented for reconsideration and allowance.

I. Rejection of Claims 1-48 under 35 USC 103(a) Based upon Wolff and Bhetanabhotla

Paragraph 3 of the Office Action rejected claims 1-48 under 35 USC 103(a) as being unpatentable over Wolff US patent 6,833,848 in view of Bhetanabhotla US patent application publication 2002/0167538. For the reasons which follow, Applicants respectfully request that the rejection of claims 1-48 be withdrawn.

A. Claim 1

Claim 1 recites a program that automatically composes an initial presentation based in part on at least one time stamp associated with at least one of the media elements. As set forth on page 14, lines 12-15 of the present application, a time stamp is a designated event marking feature placed in digital data of a recorded digital media element by a digital recording device. Because the program utilizes already existing time stamp data to organize and create an initial presentation, creation of the final presentation is simplified.

Neither Wolff nor Bhetanabhotla, alone or in combination, disclose or suggest a program that automatically composes an initial presentation based in part on at least one time stamp associated with at least one media elements. In contrast, Wolff merely discloses a program which requires a user to tediously assemble media objects into a story by dragging such objects to a storyline.

Bhetanabhotla is no better than Wolff. Bhetanabhotla merely discloses a computer software system for indexing and cataloging photographs. Although Bhetanabhotla discloses that photographs in a single virtual file cabinet may be viewed as a slideshow, Bhetanabhotla requires

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a person to tediously enter meta-data for each photograph, the meta-data including a user created date and time which is assigned to the particular photograph being catalogued by the user. (See Bhetanabhotla, 34:1-2; 122:1-4; 139:1-3; 145: 5-7)

The Office Action acknowledges that Wolff is "silent regarding the automatic arranging the media elements based on timestamps." As a result, the Office Action attempts to additionally rely upon Bhetanabhotla and asserts that "Bhetanabhotla teaches the automatic arranging media elements of a slide presentation based in part on the time stamps of the media elements."

However, the characterization of Bhetanabhotla by the Office Action is incorrect. Bhetanabhotla does not teach the automatic arranging of media elements of a slide presentation based on time stamps of the media elements. The citations made to Bhetanabhotla in the Office Action (0018, 034-0036, 0152) saying nothing about Bhetanabhotla automatically arranging media elements based on time stamps. In contrast, as noted above, Bhetanabhotla requires that a user tediously enter time-date meta-data for each photograph being catalogued. Nowhere does Bhetanabhotla even suggest that time stamps may be used to automatically create an initial presentation.

Moreover, no suggestion exists for modifying Wolff based upon Bhetanabhotla. Wolff relates to a system for creating a story. Bhetanabhotla relates to a system for cataloging or indexing multiple photographs in virtual file cabinets. One of ordinary skill in the art would not look to photograph cataloging systems when developing a program to create a story.

Even assuming, arguendo, that it would be obvious to modify Wolff based upon Bhetanabhotla, the resulting hypothetical combination would still fail to result in a program in which an initial presentation is automatically created using time stamps of media elements. Rather, the combination would, at best, merely result in a system that includes a first routine that catalogs or indexes still photographs( as taught by Bhetanabhotla) and a second routine which enables a person to tediously assemble selected catalogued still photographs with other media objects to form a story (as taught by Wolff). The hypothetical combination would not result in a

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system which automatically composes an initial presentation based upon time stamps. Accordingly, the rejection of claim 1 should be withdrawn. Claims 2-13 and 29-34 depend from claim 1 and are patentably distinct over Wolff and Bhetanabhotla for the same reasons.

B. Claims 14 and 18

Claims 14 and 18 reciting system in a method come respectively, in which an initial presentation is automatically composed from a plurality of media elements including audio elements and image elements.

Neither Wolff nor Bhetanabhotla, alone or in combination, disclose or suggest a system or a method which automatically composes an initial presentation including audio elements and image elements. As acknowledged by the Office Action, "Wolff is silent regarding the *automatic arranging the media elements*". As a result, the Office Action attempts to additionally rely upon Bhetanabhotla and asserts that "Bhetanabhotla teaches the automatic arranging media elements".

However, just as Wolff is "silent" with respect to the automatic arranging of media elements to form an initial presentation, the presentation of Bhetanabhotla is also silent. The media elements of Bhetanabhotla merely comprise still photographs. Bhetanabhotla fails to disclose or even suggest automatically arranging both audio elements and image elements to form an initial presentation.

Moreover, as noted above, no suggestion exists for modifying Wolff based upon Bhetanabhotla. Wolff relates to a system for creating a story. Bhetanabhotla relates to a system for cataloging or indexing multiple photographs in virtual file cabinets. One of ordinary skill in the art would not look to photograph cataloging systems when developing a program to create a story.

Even assuming, arguendo, that it would be obvious to modify Wolff based upon Bhetanabhotla, the resulting hypothetical combination would still fail to result in a program in which an initial presentation is automatically created both audio elements and image elements.

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Rather, the combination would, at best, merely result in a system that includes a first routine permitting still photographs that have been catalogued to be viewed as a slide (as taught by Bhetanabhotla) and a second routine which enables a person to tediously assemble selected catalogued still photographs with other media objects to form a story (as taught by Wolff). The hypothetical combination would not result in a system which automatically composes an initial presentation including both audio elements and image elements. Accordingly, the rejection of claims 14 and 18 should be withdrawn. Claims 15-17 and 19-28 depend from claims 14 and 18, respectively and are patentably distinct over Wolff and Bhetanabhotla for the same reasons.

#### C. Claims 35 and 42

Claims 35 and 42 recite a method and a system, respectively, for creating a presentation in which a user may establish control settings and in which the user may select and bind media elements to one another. The method and system further automatically composes an initial presentation without further input from the user. The initial presentation includes both an image-track and a sound-track.

Neither Wolff nor Bhetanabhotla, alone or in combination, disclose or suggest a method or a system that permits a user to select and bind media elements to one another and that automatically composes an initial presentation. Neither Wolff nor Bhetanabhotla, alone or in combination, disclose or suggest a method or system which automatically composes an initial presentation that additionally includes both an image-track and a sound-track. In contrast, as acknowledged by the Office Action, "Wolff is silent regarding the *automatic* arranging the media elements". Although Bhetanabhotla discloses viewing of a slide show of still photographs that have been catalogued, the slideshow of Bhetanabhotla does not include an image-track or a sound-track. Moreover, neither Wolff nor Bhetanabhotla disclose a system permitting a user to bind selected media elements to one another, wherein the media elements are used as part of the automatically composed initial presentation.

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In rejecting claims 35 and 42, the Office Action makes the same assertions as made above with respect to claims 1, 14 and 18. However, the Office Action fails to even address the specific limitations of both claims 35 and 42 which recite that (1) the method or the system enables the user to bind selected media elements to one another or that (2) the automatically composed initial presentation includes both an image-track and a sound-track. Although Wolff may disclose an image tracking a soundtrack, such tracks are not those of an automatically composed initial presentation. Accordingly, the rejection of claims 35 and 42 should be withdrawn. Claims 36-41 and 43-48 depend from claims 35 and 42, respectively, and are patentably distinct over Wolff and Bhetanabhotla for the same reasons.

D. Claims 2, 15 and 19

Claims 2, 15 and 19 depend from claims 1, 14 and 18, respectively, and overcome the rejection based upon Wolff and Bhetanabhotla for the same reasons discussed above with respect to claims 1, 14 and 18.. Claims 2, 15 and 19, as amended, further recite that the plurality of media elements of the initial presentation are continuously displayed.

Neither Wolff nor Bhetanabhotla disclose continuously displaying a plurality of media elements of initial presentation. Once again, as acknowledged by the Office Action, Wolff fails to disclose the automatic creation of an initial presentation. In rejecting claims 2, 15 and 19, the Office Action refers to the first two figures 12 of Wolff. However, figures 1 and 2 of Wolff merely disclose a single media element being shown. Figures 1 and 2 do not illustrate an automatically composed initial presentation being displayed, wherein multiple media elements are continuously presented. Accordingly, claims 2, 15 and 19, as amended, overcome the rejection based upon Wolff and Bhetanabhotla for this additional reason.

II. Added Claims

With this response, claims 49-52 are added. Claims 49-52 recite additional features which are believed to be patentably distinct over the prior art of record.

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A. Claims 49 and 50

Claims 49 and 50 depend from things 18 and 35, respectively, and further recite that the time of recording or the chronological arrangement of elements is based on time stamps associated with such elements. As noted above with respect to claim 1, neither Wolff nor Bhetanabhotla disclose or suggest automatically composing an initial presentation based on time stamps of elements. Accordingly, claims 49 and 50 are presented for consideration and allowance.

B. Claim 51

Claim 51 depends from claim 35 and recites the selection of a time stamp of one of the elements bound together. Support for added claim 51 may be found on page 13, lines 1-3 of the present application. Thus, no new matter is added.

As noted above with respect to claim 35, the Office action fails even address where the prior art allegedly discloses binding elements together. Moreover, the prior art record also fails to disclose the selection of one of the timestamps associated with the elements that are bound together. Accordingly, added claim 51 is presented for consideration and allowance.

C. Claim 52

Claim 52 depends from claim 35 and further recites the unbinding of two portions of a media element and the addition of a new recording time to one of the portions. Support for added claim 52 is found on page 13, lines 4-9 of the present application. Thus, no new matter is added.

The prior art of record, including Wolff and Bhetanabhotla, fails to disclose providing a user with an option of unbinding media elements into distinct portions and adding a recordation time to one of the portions. Thus, added claim 52 is presented for consideration and allowance.

III. Conclusion

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After amending the claims as set forth above, claims 1-52 are now pending in this application.

Applicants believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

Respectfully submitted,

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By Todd A. Rathe

RATHE PATENT & IP LAW  
Customer No. 22879  
Telephone: (262) 478-9353  
Facsimile: (262) 238-1469

Todd A. Rathe  
Attorney for Applicant  
Registration No. 38,276